

# **Tennessee Division of Underground Storage Tanks**

## **Preparing for an Operational Compliance Inspection**

### **Introduction and General Requirements**

To verify continued compliance with Division regulations, operational compliance inspections are scheduled based upon the Federal Energy Policy Act of 2005 mandate requiring an inspection at least every three (3) years. A list of facilities to be inspected will be provided by the Central Office biannually. When the Division is notified of new facilities or new owners, they are automatically posted to the top of the list. Inspections may also be requested in reference to an enforcement action, complaint or release investigation. All correspondence shall be issued to the registered Owner/Operator (O/O). The Division will not be responsible for copies of correspondence to vendors.

This manual is a guidebook to be followed by inspectors and is a reference guide to ensure that inspections are conducted consistently and in accordance with Division regulations and guidance. It outlines specific inspection requirements and gives the inspector a step by step walk through of what they should look for at each facility and photographs illustrating what they might find.

### **Legal Issues**

Some inspectors have historically been requested to sign Waiver of Liability Forms presented by owner/operators or their representatives. Division attorneys have advised that inspectors should not sign waiver requests. In addition, if an owner/operator suggests/requires you to leave, you should leave, contact the Central Office and law enforcement may be consulted to attend. If the inspector is approached by the O/O or Duly Authorized Representative (DAR) to conduct any action that is questionable, (i.e. offers of gifts, physical threats, etc) then the inspector should document and complete the inspection and refer to the Tennessee Ethics Commission “Guiding Principles of Ethical Conduct for Public Officials”, Article 4, located in Section 5. Staff should always maintain a professional attitude. If the O/O or DAR does not attend the inspection to provide access to equipment, the inspector should return to the office and issue the FO-036 NS form letter.

### **Personal Safety**

The Division provides all required Personal Protective Equipment (PPE) to all employees to properly and safely conduct inspections. Inspectors should maintain a “hands-off” approach and allow the O/O to open manways, dispenser covers, etc. If the O/O does not have the proper equipment to do so, the inspector may provide this equipment to the O/O, if available. If an O/O is not familiar with obtaining information from their own equipment (i.e. ATG leak history), the inspector should advise them to consult the vendor or manufacturer’s instructions or helpful information from the internet. **Inspectors should not touch the equipment at any time or provide instruction of its operation.** If a known hazard or threatening environment may be encountered, then an additional staff member may attend as well. If the O/O or their representative requires or requests that you don special PPE that they provide, then the inspector should comply with their request. Confined space entry shall **not** be conducted by inspectors.

Drivers may be watching for other moving vehicles instead of pedestrians at these locations. It is important when inspecting especially a high throughput location, to always be in the presence of the owner or operator,

or owners authorized representative when doing the field portion of the inspection, and the wearing of a highly visible safety vest is required. If requested to wear other personal protective equipment by the owner or owner's authorized representative such as safety glasses supplied by the owner, inspectors should comply with that request.

### **Non-UST Issues Discovered**

If inspectors happen to identify issues that are not regulated by the Division during the onsite inspection (inspectors should not spend time looking for unregulated issues), a memo should be completed upon return to the office and issued to the UST Environmental Field Office Manager who will then refer to the appropriate agency EFOM. For unanchored shear valves, the current policy should be followed including unanchored shear valves as a violation and if not corrected by the deadline established in the Results of Inspection letter, referred for enforcement action and the director will refer to the Fire Marshal. Other issues for referral within the department include, but are not limited to:

- Suspected illegal discharges (sewage, chemicals, etc)
- Aboveground storage tank spills or leaks
- Stage I and II vapor recovery issues
- Waste stored onsite (drums, etc)

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## **Operational Compliance Inspection**

### **Material and Equipment**

#### **Source Materials**

- ✓ Tennessee UST Inspectors Manual
- ✓ Inspection and Notification Forms
- ✓ Tennessee UST Regulations
- ✓ All applicable Technical Chapters

#### **Equipment**

- ✓ Digital Camera
- ✓ Global Positioning System device
- ✓ Fuel Finding Paste & Water Finding Paste
- ✓ Tank Gauging Stick
- ✓ Intrinsically Safe/Explosion Proof Flashlights
- ✓ Mirrors (to illuminate)
- ✓ Magnets (for material of construction verification)
- ✓ Hand Cleaner
- ✓ Bailers & Twine
- ✓ Carry All Cooler
- ✓ Toolbox
- ✓ (If not provided by the O/O, pry bar, screwdriver, adjustable wrenches)

**Personal Protective Equipment (PPE)**

- ✓ Steel Toe Boots
- ✓ Safety Vest
- ✓ Nitrile gloves
- ✓ Safety Cones
- ✓ Insect spray
- ✓ Sunscreen
- ✓ Safety Glasses, if applicable
- ✓ Rain Gear, if applicable
- ✓ Hard Hat, if applicable